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Date: 23/10/2018

Leeds City Council Response to the Shadwell Pre-Submission Consultation (Regulation 14)

Thank you for consulting the Council on the Pre-Submission Draft Shadwell Neighbourhood Plan. The Plan is well set-out, clear and thorough. This has been helped greatly by the collaboration that has existed during its preparation between the Parish Council and City Council.

I hope that these formal comments on the Pre-Submission Plan will help the Steering Group and the Parish Council in making changes to the document prior to formal submission for independent examination. Although these are formal comments, you will be aware that there is no obligation to take them on board. We are happy to work with the Parish Council to consider all of the representations more generally and any changes prior to submission for examination.

1. Timing / Risks

- 1.1. As you will be aware, the Site Allocations Plan (SAP) Examination has taken place and the Council are awaiting the Inspectors final report. It is not anticipated that there will be any direct consequences for the Shadwell Neighbourhood Plan but it would be wise to be aware that the SAP has yet to be adopted and elements may be subject to change.
- 1.2. In July 2018, Government published an update to the National Planning Policy Framework (NPPF). Annex 1 to the 2018 NPPF sets out transitional arrangements for plan-making, although for decision taking the 2012 NPPF has now been superseded. Annex 1 establishes that plans submitted on or before 24th January 2019 will be examined against the 2012 NPPF, plans submitted after the 24th January 2019 will be examined against the 2018 NPPF. Consideration should be given to the anticipated submission date for the neighbourhood plan, and the subsequent impact it will have on the references to the NPPF in the neighbourhood plan and on the Basic Conditions Statement, if it has already been drafted.

2. Basic Conditions

- 2.1. At examination, a neighbourhood plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. These are:
- a) **Having regard to national policies and advice contained in guidance issued by the Secretary of State**
 - b) **The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development**
 - c) **That making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority.**
 - d) **The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.**

2.2. It is considered that the Shadwell Neighbourhood Plan meets the Basic Conditions.

3. General Comments on the Plan

- 3.1. Proposed Conservation Area – the plan seems to be written with the assumption that the proposed Conservation Area will be adopted. A view needs to be taken on how this is referenced at the time of submission (proposed Conservation Area may be best).
- 3.2. Cultural and community facilities - although there is a reference within the vision to *'existing valued cultural and community facilities and structures will have been retained and/or sensitively improved to provide a stimulating social and educational environment for all'*. There is no reference to school provision under community facilities or anywhere else in the draft plan. Due to its village location, the majority of children in the village access places at Shadwell Primary School.
- 3.3. Community Infrastructure Levy (CIL) - the Vision states that by 2033 development will have been small scale. However, the parish council is likely to receive a portion of CIL and consideration should be given in the plan to how this could be spent.
- 3.4. Biodiversity – there is no mention of the natural environment but this could be addressed as follows:
- Include a map showing the 2014 Leeds Habitat Network for the Neighbourhood Area – showing areas also outside area to demonstrate nearby linkages. This information can be accessed from West Yorkshire Ecology, the Council can facilitate contact with them should the Parish Council wish. Core Strategy Policy G9 seeks enhancements to this Network and at the neighbourhood plan level it would be useful to have an objective of mapping local extensions to the Leeds Habitat Network based on further aerial photo interpretation, ground surveys and local knowledge to bring in smaller water courses, species-rich hedgerows, locally valuable lines of trees, etc. The 2014 Leeds Habitat Network may have omitted some locally important habitats so this is an opportunity for the neighbourhood plan to ensure these are also recognised.

- New developments – all new buildings should have integral bat roosting and bird nesting provision - could be specific for Swifts if Shadwell wants to contribute to the Leeds Swifts project aiming to make Leeds a Swift Friendly City <https://www.startbirding.co.uk/leeds-swifts/>
- 3.5. From a Public Rights of Way perspective the pre-submission draft plan refers to the existence of ‘several footpaths’ in Shadwell at paragraph 7.2.8 but omits to mention public bridleways (which give access for horse riders and pedal cyclists as well as walkers), of which there are a number. It would also be worth emphasising that the footpaths, and any bridleways, that are referred to in the context of public rights of way should be described as Public Footpaths / Bridleways.
- 3.6. Map 7 (Connections) in the document indicates where the Public Rights of Way are located and also shows a claimed public path, which is subject to an application for a Definitive Map Modification Order, off Whinmoor Lane. This is labelled on the key as ‘Proposed Footpath Public Right of Way’. As this route is the subject of an investigation to determine whether or not it is a public right of way it would be preferable if it was to be identified in this manner. Additionally Map 7 shows a linking permissive Bridleway route which follows the northern boundary of the Red Hall estate site. Here, officers are in discussions regarding the future provision of this route but it would be prudent for it to be referred to as a Permissive Bridleway instead of a proposed PROW.

4. Specific Policy Comments

4.1. Policy GEN1: Enhancing the village

The use of “atmosphere” is fairly vague and might be difficult to use to help determine planning applications. Perhaps more could be said about how this could be applied to development proposals? On balance, the preference would be to use an alternative word. However, it is understood that the Parish Council feel that the word is important and appropriate for Shadwell so it may wish to leave it in the draft to be considered at examination. If this is the case, then suggest evidence is provided to back-up the use of the word as 3.1-3.3.3 is sparse.

4.2. Policy HLC1: Development in Conservation Areas

Ok.

Some examiners will delete such a policy as they consider a policy covering development in a Conservation Area to be outside the scope of the neighbourhood plan. Perhaps more could be said about why this policy is needed in Shadwell?

4.3. Policy HLC2: Development involving non-designated heritage assets

Ok.

This section reads well and provides robust evidence. It is recommended that individual site plans are provided which show the buildings and their curtilages (in addition to Map 3), this has been a modification made at other neighbourhood plan examinations.

4.4. Policy HCL3 – Positive Design

Although “excellence” is often used in planning, it may be worthwhile thinking more about what this means for Shadwell. The introductory paragraphs to the policy read well. However, although ‘objective 2’ refers to “the existing visual character of the village”, there is nowhere in the plan that succinctly sets this out. It is acknowledged that this is expressed in depth in Appendix B. It would be helpful to do this in chapter 6, prior to the policy.

There is an opportunity to mention streets and open spaces – for instance, surface finishes, furniture, lighting, etc. ‘Boundary walls etc.’ is a vague reference; perhaps ‘boundary treatment, e.g. walls, hedges, and fences.

4.5. Policy ENV1 – Rural Environment

This seems to rule out any form of modern development, which could be acceptable within the Green Belt. Flexibility should be introduced to the policy to avoid being overly onerous.

4.6. Policy ENV2 – Trees and Gardens

This policy has changed significantly from the ‘policy intentions’ version and as written is fairly prescriptive. However, the evidence provided to support the policy is good.

4.7. Policy ENV3: Local Green Spaces

OK.

Add, development on the Local Green Space will not be acceptable other than in very special circumstances to provide a policy statement.

4.8. Policy COM1: Retention of Community Facilities

Ok.

4.9. Policy INF1: Infrastructure Provision and Design

Ok.

4.10. Policy HOU1: Housing Mix

The worded policy includes no threshold upon which to require an element of housing suitable for older people and/or 1 and 2 person households. An application for 5 dwellings in a garden site, for example, would seem to preclude the provision of large, family houses.

A good level of evidence is provided setting out housing need issues in the area.

I hope these comments are useful and help the neighbourhood planning group to review the pre-submission draft Shadwell Neighbourhood Plan before it progresses to examination. We



are happy to advise further on these and any other representations made to assist the Parish Council in preparing the submission draft neighbourhood plan.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tim Hill".

Tim Hill
Chief Planning Officer